

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1188 OF 2019

Juned Farookh Shaikh.] ... Applicant

Versus

State of Maharashtra.] ... Respondent

Mr. Sujit Mashal i/b Hulyalkar & Associates for Applicant.
Smt. A. A. Takalkar, APP for State.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 03 JUNE, 2019

P. C. :-

1. The Applicant is seeking anticipatory bail in connection with C.R.No.556 of 2018 registered with Juna Rajwada Police Station, Kolhapur, under Sections 399 and 402 of the IPC and under Sections 3 and 25 of the Indian Arms Act.

2. The FIR is lodged on 18/12/2018 by PSI Dange attached to Juna Rajwada Police Station. According to the FIR, on 17/12/2018, on prior information, the police staff went near Hanuman Nagar Bus

Stop. The police had the information that some persons were to come there for committing dacoity using firearms. Around 11.15 p.m., two cars came there. One of them was Pajero and the other was Ertiga. Some persons alighted from those two cars. The police and panchas were standing nearby. They could hear their conversation. The police officers were satisfied that they were about to commit dacoity and were even prepared to use the firearms. The police party apprehended 4 persons. Three accused managed to escape.

4. The remand report dated 22/12/2018 mentions the name of the present Applicant. It is mentioned in the said remand report that during interrogation of the arrested accused, the Applicant's name transpired. The investigation reveals that the plan was hatched at the instance of accused Atul Kalyankar, Ravi Shinde and the present Applicant.

5. Heard Mr. Sujit Mashal, learned Counsel for the Applicant and Smt. A. A. Takalkar, learned APP for State.

6. Mr. Sujit Mashal, learned Counsel for the Applicant, submitted that the evidence against the Applicant is non-existent and he is sought to be arrested merely on suspicion. He further submitted that the statement of the co-accused during the interrogation does not carry any weight and such statement cannot be the reason for denial of anticipatory bail to the present Applicant. He further submitted that the firearms were already seized and there was no further necessity of custodial interrogation for any recovery.

7. Smt. A. A. Takalkar, learned APP for State, submitted that there are 4 offences registered against the present Applicant out of which one is under Section 307 of the IPC and one is under the Indian Arms Act.

8. Considering the allegations against the present Applicant, I am not inclined to grant relief to the Applicant. The submission that the statement of the co-accused has no weight, cannot be accepted because interrogation of the arrested accused can reveal certain information; on the basis of which, other accused can be arrested.

9. Considering these factors and the nature of the offence alleged against the Applicant, the Application is rejected.

(SARANG V. KOTWAL, J.)